

RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY STATE OF TEXAS
DEPUTY

A15CV0164LY

FILED

FEB 23 2015

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY DEPUTY

DISTRICT ATTORNEY ROSEMARY LEHMBERG
COUNTY ATTORNEY DAVID ESCAMILLA
TRAVIS COUNTY SHERIFF GREG HAMILTON
SECURUS COMMUNICATIONS

I JURISDICTION & VENUE

1 THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER THE COLOR OF STATE LAW, THE RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES.

THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (a)(1)(2)(3)(4). THE COURT ALSO HAS JURISDICTION UNDER 42 U.S.C. SECTION 1985 (2)(3).

PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2284, FED. R. CIV. P. CHAPTER 65.

ALSO CHAPTER 65 TITLE III SECTION 65.011 CIV. P. REM. C OF EXTRAORDINARY WRITS OF INJUNCTIONS. RULE 48 (b) FED. R. CRIM. P.

2 THE TRAVIS COUNTY DISTRICT OF AUSTIN IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b)(2) BECAUSE IT IS WHERE THE EVENTS GIVEN RISE TO THIS CLAIM OCCURRED

3 PLAINTIFF PATTON IS AND WAS AT ALL TIMES MENTIONED HEREIN, A PRISONER OF THE STATE OF TEXAS IN CUSTODY OF TRAVIS COUNTY CORRECTIONAL COMPLEX, CURRENTLY CONFINED IN DEL VALLE, TEXAS AND PRESENTING HIS CLAIMS PRO SE

DEFENDANTS

- 4 Defendant ROSEMARY LEHMBERG, District Attorney, TRAVIS County TEXAS, BLACKWELL THURMON Criminal Justice Cntr.
509 W 11th Street Austin, TEXAS 78701
- 5 Defendant DAVID ESCAMILLA, County Attorney, TRAVIS County TEXAS, BLACKWELL THURMON Criminal Justice Cntr.
509 W 11th Street Austin TEXAS 78701
- 6 Defendant GREG HAMILTON, TRAVIS County Sheriff
TRAVIS County TEXAS, TRAVIS County Correctional Complex
3614 BILL PRICE ROAD
DEL VALLE TEXAS 78617
- 7 Defendant SECURUS COMMUNICATIONS
WWW.SECURUSTECH.NET
1-800-844-6591

III FACTS

8 ON OCT 26, 2014 PLAINTIFF PATTON FILED MOTION FOR SPEEDY TRIAL
 TO BE SET ON OR BEFORE NOV 17, 2014 AND EXPLAINED TO THE COURT'S
 THAT HIS ONLY MATERIAL WITNESS WOULD BE LEAVING STATE AND
 WOULD NO LONGER BE AVAILABLE FOR TRIAL AFTER THAT DATE.

9 PLAINTIFF USED DEFENDANTS SPEEDY TRIAL FORM THAT INCLUDED
 INDICTMENT DISMISSAL FORM TO BE GRANTED IN THE EVENT
 SPEEDY TRIAL BE DENIED, INDICTMENT BE SET ASIDE DUE TO
 JUDICIAL PREJUDICE AND VIOLATION TO SPEEDY TRIAL CLAUSE
 TO 6TH AND 14TH U.S. AMENDMENTS

10 ON NOV 19, 2014 IN THE 299TH DISTRICT COURT TRAVIS COUNTY
 TEXAS, PLAINTIFF'S MOTION FOR SPEEDY TRIAL WAS DENIED. ALSO
 INDICTMENT DISMISSAL DENIED.

11 ON NOV. 20 2014, PLAINTIFF STARTED COLLATERAL ATTACK ON
 299TH DISTRICT COURT, CLAIMING VIOLATION OF CIVIL RIGHT
 TO SPEEDY TRIAL AND IMPAIRMENT OF LEGAL DEFENSE
 DUE TO JUDICIAL PREJUDICE.

12 ON DEC 1, 2014 PLAINTIFF FILED REDRESS OF GRIEVANCE WITH
 THE STATE OF TEXAS IN THE 299TH DISTRICT COURT,

13 ON DEC. 25, 2014, PLAINTIFF FILED MODIFIED HABEAS CORPUS
 PETITION TO ADDRESS CIVIL RIGHTS CLAIM UNDER SPEEDY
 TRIAL ACT OF TEXAS CONSTITUTION AND U.S CONSTITUTION
 WITH THE STATE OF TEXAS AND 299TH DISTRICT COURT.

14 PLAINTIFF RECEIVED NO RESPONSE FROM STATE OR COURT.

15 ON DEC 30, 2014 PLAINTIFF FILED MODIFIED HABEAS CORPUS
 PETITION WITH MARION SWEAT CIVIL COURTHOUSE AUSTIN TEXAS.

16 ON FEB 12, 2015 MARION SWEAT CIVIL COURTHOUSE CLERK
 RETURNED HABEAS FORM STATING NO FORM AVAILABLE
 TO ADDRESS PRETRIAL CIVIL RIGHTS VIOLATIONS.

17 ON FEB 13, 2015 PLAINTIFF ASCERTAINED THAT THE STATE OF
 TEXAS HAS ESTABLISHED PROCEDURES THAT ARE INEFF-
 ECTIVE AND INADEQUATE TO OFFER ANY REMEDY AT LAW
 OR RELIEF FOR PRETRIAL CIVIL RIGHTS VIOLATIONS.

III FACTS

- 18 ON JAN 20, 2015 AFTER WAITING 30 DAYS FOR STATE TO
RESPOND TO FEDERAL CLAIMS SENT TO DISTRICT ATTORNEY
AND THE 299TH DISTRICT COURT, PLAINTIFF FILED SUCCESSIVE
FEDERAL CLAIM AGAINST THE STATE FOR VIOLATIONS OF
CIVIL RIGHTS CAUSING PREJUDICE AND IMPAIRMENT TO LEGAL
DEFENSE
- 19 ON FEB 15, 2015 AT THE TIME THESE FACTS WERE BEING
WRITTEN, PLAINTIFF HAS NOT HAD ANY RESPONSE FROM THE
STATE OF TEXAS FOR REDRESS OF GRIEVANCE, COMPLAINTS
OR FEDERAL CLAIMS OF CIVIL RIGHTS VIOLATIONS
- 20 ON FEB 13, 2015 PLAINTIFF HAD LEGAL CONSULTATION WITH
TIM. ZELHART, TIM. ZELHART HAD OBTAINED DISCOVERY
OF EVIDENCE ENTERED BY THE STATE PROSECUTORS THAT
CONTAINED ILLEGAL WIRE TAPS OF CONFIDENTIAL AND
PRIVATE CONVERSATIONS OF PRETRIAL DETAINEES INCAL-
CERATED AT TRAVIS COUNTY CORRECTIONAL COMPLEX,
- 21 PLAINTIFF, THROUGH INFORMATION AND BELIEF, AND
DISCOVERY THROUGH NEWSPAPER ARTICLES, HAS CON-
FIRMED A CONSPIRACY THROUGH DEFENDANTS ROSEMARY
LEHMBERG, DAVID ESCAMILLA, GREG HAMILTON AND
SECURUS COMMUNICATIONS TO ILLEGALLY OBTAIN CONFIDENTIAL AND PRIVATE CONVERSATIONS OF PRETRIAL DETAINEES TO GAIN SENSATIVE INFORMATION PERTAINING TO THE LEGAL DEFENSES OF ALL PRETRIAL DETAINEES WITH THE MALICIOUS AND SADISTIC INTENT OF CAUSING IMMEDIATE AND IRREPARABLE, IMPAIRMENT OF LEGAL DEFENSE TO ALL PRETRIAL DETAINEES HOUSED UNDER THE CARE OF DEFENDANT GREG HAMILTON AT TRAVIS COUNTY CORRECTIONAL COMPLEX

III. FACTS

- 22 PLAINTIFF HAS CONFIRMED THAT DEFENDANT GREG HAMILTON HAS CONSPIRED WITH SECURUS COMMUNICATIONS TO ILLEGALLY RECORD CONFIDENTIAL AND PRIVATE CONVERSATIONS OF PRETRIAL DETAINEE'S AT TRAVIS COUNTY CORRECTIONAL COMPLEX, TO BE BROADCAST THROUGH SECURUS COMMUNICATIONS TO WEB SITES WHERE STATE PROSECUTORS CAN GAIN ACCESS TO CRITICAL AND CONFIDENTIAL INFORMATION ABOUT THE LEGAL DEFENSE OF PRETRIAL DETAINEE'S TO BE USED IN A COURT OF LAW
- 23 WITH THE DELIBERATE INTENTION OF IMPEDING, HINDERING OBSTRUCTING AND DEFEATING, IN EVERY MANNER, THE DUE COURSE OF JUSTICE, AND
- 24 WITH THE MALICIOUS AND SADISTIC INTENT TO IMPAIR THE LEGAL DEFENSE OF PRETRIAL DETAINEES
- 25A PLAINTIFF CLAIMS DEFENDANTS ACTIONS TO NOT BE RANDOM ACTS,
- 25B BUT A PATTERN MIS CONDUCT AND ABUSE OF STATE PROCESS, OFFICIAL POSITION AND POWER, DATING AS FAR BACK AS 2012, AS INDICATED BY RECENT INVESTIGATIONS
- 26A PLAINTIFF CLAIMS DEFENDANTS HAVE CONTINUED ILLEGAL WIRE TAPS WHILE HE HAS BEEN LITIGATING IN FEDERAL COURT, CAUSING A CONCERN WITH CONSPIRACY TO OBSTRUCT JUSTICE IN THE FEDERAL COURTS AS WELL
- 26B PLAINTIFF ALSO CLAIMS THAT THE COMBINED ACTIONS OF THE DEFENDANTS HAVE ALSO VIOLATED ARTICLES 1, 2, 3, 5, 6, 7, 8, 10, AND 11 OF THE DECLARATION OF HUMAN RIGHTS

IV LEGAL CLAIMS

Plaintiff REALLOGE AND INCORPORATE BY REFERENCE PARAGRAPHS 8-20 PERTAINING TO CIVIL RIGHTS CLAIMS IN 299TH DISTRICT COURT

- 27 PLAINTIFF CLAIMS DENIAL OF SPEEDY TRIAL CAUSED PREJUDICE BY LOSS OF MATERIAL WITNESS AND UNNECESSARY DELAY.
- 28 PLAINTIFF CLAIMS DENIAL OF SPEEDY TRIAL CAUSED IMPAIRMENT OF LEGAL DEFENSE WITH WHICH THERE IS NO ADEQUATE REMEDY AT LAW. IT WAS IMPERATIVE THAT THIS CASE BE EXPOSED WHILE IT WAS FRESH.
- 29 PLAINTIFF CLAIMS THE STATE VIOLATED THE PROVISIONS OF THE TEXAS SPEEDY TRIAL ACT OF JULY 1, 1978 UNDER VACCD, ARTICLE 32A.01, 32A.02, 28.061.
- 30 CITATIONS OF AUTHORITY
- 31 MESHELL V STATE 739 S.W. 2d 246 1987 TEX CRIM. APP LEXIS 622
- 32 GARCIA V DIAZ 596 S.W. 2d (CR. APP 1980)
- 33 EUZIERE V STATE 648 S.W. 2d 700

Plaintiff REALLOGE AND INCORPORATE BY REFERENCE PARAGRAPHS

20-26 PERTAINING TO ABUSE OF STATE PROCESS AND CONSPIRACY

- 34 PLAINTIFF CLAIMS DEFENDANTS ACTIONS CAUSED DEPRIVATION OF LIBERTY UNDER COLOR OF STATE LAW WITHOUT DUE PROCESS PARRATT V TAYLOR 451 U.S. 527 68 LIED
- 35 MEETING THE REQUIREMENTS FOR CAUSE OF ACTION UNDER 42 U.S.C. SECTION 1983, BRETZ V KELMAN 722 F.2d 563 (9TH CIR 1983)
- 36 PLAINTIFF ALSO CLAIMS DEFENDANTS ACTIONS OF CONSPIRACY TO OBSTRUCT JUSTICE IN THE STATE COURTS MEET THE REQUIREMENTS FOR CAUSE OF ACTION UNDER 42 U.S.C SECTION 1985 (2) SECOND CLAUSE (3) 1ST AND 2ND CLAUSE. GRIFFIN V BRECKENRIDGE 403 U.S. 88, 102 29 LIED 2d 336, 91 S.Ct 1790 (1971)
- 37 PLAINTIFF ALSO CLAIMS THAT PRETRIAL DETAINEES ACCURATELY FIT THE DESCRIPTION OF RACIAL AND CLASS BASED ANIMUS FOR INVIDIOUS DISCRIMINATION.

IV LEGAL CLAIM

- 38 Plaintiff Claims that the Defendants Actions constitute Direct Abuse of the State Process AND Official Position.
- 39 Also Conspiracy to Interfere with the Administration of Justice in the State Courts
- 40 Plaintiff Claims that Defendants Rosemary Lehmberg, David Escamilla, Greg Hamilton AND Securus Communications HAVE CONSPIRED TO ILLEGALLY RECORD CONFIDENTIAL AND PRIVATE CONVERSATIONS OF PRE TRIAL DETAINEES HOUSED AT TRAVIS COUNTY Correctional Complex, FOR THE SOLE PURPOSE OF IMPEDING, HINDERING, OBSTRUCTING AND DEFERTING, IN EVERY MANNER, THE DUE COURSE OF JUSTICE
- 41 WITH THE DELIBERATE INTENT OF DENYING PRETRIAL DETAINEE'S THE EQUAL PROTECTION OF THE LAWS.
- 42 Plaintiff Patton Claims THIS STATE INTERFERENCE AND CONSPIRACY BY DEFENDANTS ROSEMARY LEHMBERG, DAVID ESCAMILLA, GREG HAMILTON AND SECURUS COMMUNICATIONS TO BE A DIRECT VIOLATION OF 42 U.S.C SECTION 1985 (2) 2ND CLAUSE, 1st CLAUSE too if wire taps CONTINUE WHILE LITIGATING IN FEDERAL COURT, AND POSSIBLY 1985 (3) 1st AND 2ND CLAUSE
- 43 Plaintiff Claims that the PRETRIAL DETAINEE'S HOUSED AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX ACCURATELY FIT THE DESCRIPTION OF RACIAL AND CLASS BASED VICTIMS OF INVIDIOUS DISCRIMINATION, AND THEREFORE MEET THE REQUIREMENTS OF SECTION 1985 (2) SECOND CLAUSE AND 1985 (3) 1st AND 2ND CLAUSE.
- 44 Plaintiff Claims DEFENDANTS VIOLATED THE 4th AMENDMENT AS APPLICABLE THROUGH THE 14th AMENDMENT DUE PROCESS CLAUSE AGAINST UNREASONABLE SEARCH, SEIZURE AND GOVERNMENT INTRODUCTION, VIOLATION OF PRETRIAL DETAINEE'S CLAUSE UNDER 5th, 6th AND 14th AMEND. U.S. CONS.

IV LEGAL CLAIMS

- 45 PLAINTIFF CLAIMS DEFENDANTS ACTIONS CAUSED DEPRIVATION OF LIBERTY,
UNDER COLOR OF STATE LAW, WITHOUT DUE PROCESS
- 46 PLAINTIFF CLAIMS DEFENDANTS ROSEMARY LEAMBERG, DAVID ESCAMILLA
ACTIONS ACCURATELY FIT THE DESCRIPTION OF PROSECUTORIAL MIS-
CONDUCT.
- 47 AND DEFENDANTS GREG HAMILTON AND SECURUS COMMUNICAT-
IONS ACTIONS ACCURATELY FIT THE DESCRIPTION OF ABUSE OF STATE PROCESS,
AND OFFICIAL POSITION
- 48 PLAINTIFF CLAIMS THAT THE COMBINED ACTIONS OF THE DEFENDANTS
HAVE CAUSED IMMEDIATE AND IRREPARABLE HARM AND INJURY
TO THE LEGAL DEFENSE OF THE PRETRIAL DETAINEE'S HOUSED UNDER
THE CARE OF DEFENDANT GREG HAMILTON AT TRAVIS COUNTY CORRECTIONS-
AL
- 49 PLAINTIFF CLAIMS DEFENDANTS ACTIONS HAVE DELIBERATELY AND
INTENTIONALLY LEFT PLAINTIFF TATTON WITH NO ADEQUATE REMEDY
AT LAW FOR THE INJURY CAUSED
- 50 PLAINTIFF ALSO CLAIMS THAT DEFENDANTS HAVE VIOLATED THE
MIRANDA LAW OF 1966 BY NOT INFORMING PRETRIAL DETAINEE'S
THAT WHAT EVER IS SAID DURING CONFIDENTIAL AND PRIVATE
CONVERSATION WHILE USING SECURUS COMMUNICATION SYSTEMS
WOULD BE BROADCAST THOUGH WORLD WIDE WEB, AND OBTAINED
BY STATE PROSECUTORS TO BE USED IN A COURT OF LAW, TO
SHIFT THE BALANCE OF ADVANTAGE IN THE FAVOR OF STATE
PROSECUTORS, AND MOREOVER, WEAKEN DEFENSE OF PRETRIAL
DETAINEE'S.
- 51 A DIRECT MIS-USE OF POWER, AND PROSECUTORIAL MISCONDUCT
- 52 PLAINTIFF CLAIMS THAT THESE OPPRESSIVE TACTICS ARE NOT
AVAILABLE TO POLICE OR PROSECUTORS WITHOUT A COURT ORDER
- 53 PLAINTIFF CLAIMS THAT UNDER OUR CONSTITUTIONAL SYSTEM
THESE OPPRESSIVE TACTICS ARE INTOLERABLE AS A MATTER OF
FACT, IMPERMISSABLE AS A MATTER OF LAW

- 54 PLAINTIFF CLAIMS THAT THE PRETRIAL DETAINEES HOUSED AT TRAVIS COUNTY CORRECTIONAL COMPLEX MEET THE REQUIREMENTS OF RACIAL AND CLASS BASED ANIMUS ESSENTIAL TO STATE A CLAIM UNDER 42 U.S.C SECTION 1985 (2)(3)
- 55 PLAINTIFF CLAIMS THE DEFENDANTS ACTIONS OF CONSPIRACY TO INTERFERE WITH JUSTICE IN THE STATE COURTS "WITH INTENT TO DENY PRETRIAL DETAINEES DUE AND EQUAL PROTECTION OF THE LAW TO BE INVIDIOUS DISCRIMINATION
- 56 PLAINTIFF CLAIMS THAT DEFENDANTS WERE PERFORMING ILLEGAL WIRE TAPS WHILE HE HAS BEEN LITIGATING IN THE FEDERAL COURT, CAUSING A CONCERN WITH INTERFERENCE IN THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS AS WELL,
- 57 POSSIBLY CREATING A CAUSE OF ACTION UNDER 42 U.S.C SECTION 1985 (2) 1ST CLAUSE AS WELL, NOT REQUIRING RACIAL OR CLASS BASED ANIMUS
- 58 PLAINTIFF CLAIMS THAT WHEN CHALLENGING THE DIRECT ABUSE OF STATE PROCESS ITSELF, IT IS MEANINGLESS TO SPEAK OF THE STATES ABILITY TO PROVIDE A POST DEPRIVATION REMEDIAL PROCESS WHERE THE STATE PROCESS ITSELF HAS BEEN ABUSED.
- 59 PLAINTIFF HAS FOUND LOCAL ADMINISTRATIONS TO BE INADEQUATE AND UNWILLING TO APPLY THE PROPER CORRECTIVE
- 60 PLAINTIFF RESPECTFULLY PRAYS THAT THE UNITED STATES MAGISTRATE SEE AND UNDERSTAND HIS POINT, AND LET NOT JUSTICE CLOSE THE DOORS OF HER TEMPLE ON THIS CAUSE OF ACTION

61 THESE ILLEGAL ACTIONS ARE CAUSING INJURY TO PLAINTIFFS
CONSTITUTIONAL RIGHTS

62 PLAINTIFF PATTON HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY
AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF
HAS BEEN AND WILL CONTINUE TO BE IRREPAIRABLY INJURED BY THE
CONDUCT OF THE DEFENDANTS UNLESS THE COURT GRANTS THE DECLAR-
ATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS,

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAY THAT THIS COURT
ENTER JUDGEMENT:

63 GRANTING PLAINTIFF PATTON A DECLARATION THAT THE ACTS
AND OMISSIONS DESCRIBED HEREIN VIOLATE HIS RIGHTS UNDER
THE CONSTITUTION AND LAWS OF THE UNITED STATES, AND

64 A PRELIMINARY AND PERMANENT INJUNCTION ORDERING
DEFENDANTS TO CEASE INVIDIOUS DISCRIMINATION AGAINST
PRETRIAL DETAINEES, AND MOREOVER, AND TO BE SURE, CEASE
THEIR CONSPIRACY TO DISTORT AND CORRUPT THE COURSE OF JUSTICE,

65 DISCHARGE PROSECUTION FOR CAUSING ACTUAL PREJUDICE
AND IMPAIRMENT OF LEGAL DEFENSE ON CAUSE DIDC14205610

66 PLAINTIFF ALSO SEEKS A JURY TRIAL ON ALL ISSUES TRIABLE
BY JURY

67 PLAINTIFF ALSO SEEKS RECOVERY OF COSTS IN THIS SUIT, AND

68 ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER
AND EQUITABLE.

DATED FEB 17, 2015

RESPECTFULLY SUBMITTED

Ronald D Patton 1438891

TRAVIS COUNTY CORRECTIONAL

3614 BILL PRICE ROAD

DEL VALLE, TEXAS 78612

Verification

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

EXECUTED AT DEL VALLE, TEXAS ON FEBRUARY 17, 2015

RONALD D PATTON

Ronald D. Patton
